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Attorneys for Plaintiff
United States of America

IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

Plaintiff,

v.

KYLE SMITH,

Defendant.

CASE NO. 1:20-CR-00170-DAD-BAM

STIPULATION REGARDING CHANGE OF PLEA;
ORDER

COURT: Hon. Dale A. Drozd

BACKGROUND

IT IS HEREBY STIPULATED by and between the Defendant, KYLE SMITH, his attorney of record, Michael McKneely, and Assistant United States Attorneys, JUSTIN J. GILIO and ANTHONY J. PATACA, that the briefing schedule and motion hearing for Defendant's motion to suppress evidence be vacated and that the case be set for a change of plea before District Judge Dale A. Drozd on February 14, 2022, at 10:00 A.M.

STIPULATION

1. On October 28, 2021, Defendant filed a motion to suppress evidence.
2. On December 10, 2021, based upon the stipulation and representations of the parties, the Hon. Barbara A. McAuliffe adopted and ordered a revised motions schedule as follows: Government opposition due December 24, 2021; Defense reply due December 31, 2021; and a hearing on January 10, 2022, at 10:00 AM before District Judge Dale A. Drozd.

3. On December 21, 2021, the parties filed a plea agreement aimed at resolving Defendant's case, and now seek to vacate the suppression motion schedule and hearing and set the case for a change of plea before District Judge Dale A. Drozd on February 14, 2022, at 10:00 AM.

4. By this stipulation, the parties also seek to vacate the status conference hearing before the Hon. Barbara A. McAuliffe, currently set for January 26, 2022.

5. For the purpose of computing time under the Speedy Trial Act, 18 U.S.C. § 3161, et seq., within which trial must commence, the time period of January 26, 2022 to February 14, 2022, inclusive, should be excludable pursuant to 18 U.S.C. § 3161(h)(7)(A), B(iv) [Local Code T4] because the ends of justice would be served by continuing the case and those interests outweigh the interest of the public and the defendant in a trial within the original date prescribed by the Speedy Trial Act

IT IS SO STIPULATED.

Dated: December 21, 2021

PHILLIP A. TALBERT
Acting United States Attorney

/s/ JUSTIN J. GILIO
JUSTIN J. GILIO
Assistant United States Attorney

Dated: December 21, 2021

/s/ Michael McKneely
Michael McKneely
Counsel for Defendant
KYLE SMITH

ORDER

Based on the above stipulation, the parties' request to (1) vacate the suppression motion schedule and hearing set for January 10, 2022, and (2) to vacate the status conference on January 26, 2022 before the Hon. Barbara A. McAuliffe, is granted. The court sets the case for a change of plea on February 14, 2022, at 10:00 A.M. before District Judge Dale A. Drozd. For the purpose of computing time under the Speedy Trial Act, 18 U.S.C. § 3161, et seq., within which trial must commence, the time period of January 26, 2022 to February 14, 2022, inclusive, is deemed excludable pursuant to 18 U.S.C. § 3161(h)(7)(A), B(iv) [Local Code T4] because it results from a continuance granted by the Court at defendant's request on the basis of the Court's finding that the ends of justice served by taking such action outweigh the best interest of the public and the defendant in a speedy trial.

IT IS SO ORDERED.

Dated: **December 22, 2021**


UNITED STATES DISTRICT JUDGE